

Appln No. 10/614,395
Reply to Final rejection of June 6, 2008

Amendment to the Drawings:

The attached sheet of drawings includes changes to Figure 19. This sheet replaces the original sheet including Figure 19. In Figure 19, reference numeral "188" has been removed and the other numerals made clearer.

Attachment: Replacement Sheet (1)

REMARKS/ARGUMENTS

The amendment is in response to the Final Rejection dated June 6, 2008. Claim 66 has been amended. Claims 1-65, 67-68 and 71-96 are canceled without prejudice. New claims 97-103 have been added. The drawings and specification have been amended to address the objections set forth in the Action and not narrowed.

Drawings

On page 2 of the action, the action indicates that the drawings that were received on 3/25/08 were not acceptable. In the previous action, FIGS. 19 and 20 were objected to on the basis that FIG. 19 and FIG. 20 both designate reference character "188", but are not pointing at the same part. The current action further indicates that the drawings are objected to because the numbering of the items is unclear and because they include the following reference characters not mentioned in the description: 226 in Figures 1 and 2, 57 in Figure 13.

FIG. 19 has been amended to make the numbering of the items clear and to remove the reference character "188". The specification has been amended to include the missing reference characters for Figures 1, 2 and 13. Accordingly, reconsideration and withdrawal of the drawing objections are respectfully requested.

Specification

Also, on page 2 of the action, the amendments to the specification dated 3/25/08 are not entered because the amendments to the specification refer to paragraph numbers that do not match those used in the specification as originally filed. On page 3 of the action, the specification is objected to because of the following informalities:

Page 7, para. 38 "FIGURE 11" should be --FIGURE 12--.

Page 13, para. 64, line 3 in two places "barrier 122" should be --barrier 124--.

Page 14, para. 66, last line "downstream if the" should be --downstream of the--.

Page 16, para. 73, line 6 "of the upstream end 159" should be --of the outside surface 159--.

Page 23, para. 98, line 8 "The also" should be --The method also--.

Applicants have amended the specification as indicated in the Office action. Accordingly, reconsideration and withdrawal of the objections to the specification are respectfully requested.

Claim Rejections - 35 USC § 112

Claims 66 and 68-70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 66 recites the limitation "the gas outlet" in line 23. There is insufficient antecedent basis for this limitation in the claim. Claim 66 recites the limitation "the first stage regulator" in line 24. There is insufficient antecedent basis for this limitation in the claim.

Accordingly, claim 66 has been amended to change "the gas outlet" to "a gas outlet" and "the first stage regulator" to "a first stage regulator".

Claim Rejections - 35 USC § 103

Claims 66, 68, and 70 are rejected as understood under 35 U.S.C. 103(a) as being unpatentable over Contreras [4,015,630] in view of Schuler [5,685,297] and in further view of Dey [3,426,790]. On page 5 of the action, Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over Contreras in view of Schuler and Dey as applied to claim 66 above, and further in view of Hershman [2,725,072]. Applicant respectfully traverses these rejections.

Independent claim 66 has been amended to incorporate dependent claims 68 and 69 and now recites in part "wherein the moveable cover member is adapted to move from the first position to the second position when the valve is attached to a source of compressed gas; and wherein the moveable cover member is adapted to automatically

move from the second position to the first position when the valve is disconnected from a source of compressed gas."

On page 6 of the action, the action indicates that Contreras in view of Schuler and Dey discloses all the features of the claimed invention except wherein the moveable cover member is adapted to automatically move from the second position to the first position when the valve is disconnected from a source of compressed gas. The action further indicates that "Hershman discloses the use of spring [41] assisted closing devices [40] to cover up a passageway [23](col. 2, line 20 to col. 3, line 47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the idea of a spring assisted closing device as disclosed by Hershman in place of the closing device of Contreras in view of Schuler and Dey, to have a closing device that is closed when not in use." However, Hershman does not correct the deficiencies of Contreras and Schuler to arrive at the claimed invention.

Hershman, in col. 2, lines 39-45, describes that the "hose 19, in turn, is in fluid communication with a source of fluid pressure such as a pump (not shown) carried by the tractor. In addition to the element 15, the coupling 17 includes a separable coupling element 20 which is adapted to be connected to the end portion 21 of a conduit 22 leading to a fluid pressure-operated implement (not shown)." Hershman, in col. 3, lines 30-39, further describes that "The spring 41 yieldably urges the links 31 toward the end faces 24 of the coupling elements 15 and 16 causing the covers 38 to assume their closed positions wherein the faces 24 as well as the bores 23 are protected from the atmosphere. In order to connect a mating coupling element 20 to a coupling element 15 it is merely necessary to grasp the projection finger grip 44 of the cover 38 positioned over end of the element 15 or 16 and pivot the same away from engagement with the element 15 or 16 against the resilient action of the spring 41."

As such, Hershman at most describes that when the coupling element 20 which is adapted to be connected to the end portion 21 of a conduit 22 leading to a fluid

pressure-operated implement" is removed that covers 38 assume their closed positions. However, the hose 19 which is in fluid communication with a source of fluid pressure such as a pump [not shown] carried by the tractor remains connected. Hence, Hershman does not describe "a moveable cover member is adapted to automatically move from the second position to the first position when the valve is disconnected from a source of compressed gas" as provided in claim 66, as the source of fluid pressure always remains connected. In fact, the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose. As such, there is no suggestion or motivation to make the proposed modification. (see *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 [Fed. Cir. 1984]). Thus, Hershman, Contreras, Schuler, Dey or the combination thereof do not teach or suggest the claimed invention as a whole and one skilled in the art would not modify or be motivated to modify the references to arrive at the claimed invention. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Since claim 70 depends from claim 66 and contains additional limitations that are patentably distinguishable over the references of record, claim 70 is also believed to be patentable. Claims 67-69 and 71-96 have been canceled without prejudice, disclaimer and/or in view of the rejections.

New Claims 97-103

New claims 97-103 depend from independent claim 66. New claims 97-103 describe other aspects of the invention. For example, new claim 97 provides that a biasing element biases the moveable cover member to the first position and is attached to the housing and not aligned to the inlet opening. New claim 98 provides that a biasing element continuously biases the moveable cover member to the first position and is in continuous contact with the movable cover member. New claim 99 depends from claim 98 and provides that the biasing element comprises a spring hinge attached to an arm coupling the movable cover member to an attachment member. New claim

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100 also depends from claim 98 and provides that the biasing element comprises a resilient arm attached to the movable cover member. New claim 101 depends from claim 100 and provides that the resilient arm is in a low stress condition with the movable cover member being in the first position and being in a high stress condition with the movable cover member being in the second position.

New claim 102 depends from claim 66 and provides that a screw member is threadably connected to the housing and is attached to a hand knob, the screw member being distal from the moveable cover member with the moveable cover member being in and biased into the first position. New claim 103 depends from claim 97 and provides that a screw member is threadably connected to the housing and attached to a hand knob with the screw member being in contact with the moveable cover member in the first position to apply a linear force and the biasing member continuously biasing the moveable cover member towards the first position.

The cited references do not describe or suggest such an instrument with the recited features in new claims 97-103. Also, since claims 97-103 depend from independent claim 66 and thus incorporate the features recited in corresponding claim and contain additional limitations that, when considered as a whole are patentably distinguishable over the references of record, claims 97-103 are believed to be patentable.


Applicant also notes that claimed features recited in new claims 97-103 are described in the written description and in accordance with the elected invention, a movable cover member, classified in class 137, subclass 377. Accordingly, new claims 97-103 are believed readable on the elected invention and do not contain any new matter. If, however, based on this amendment the Examiner believes a different election/restriction requirement is required and/or selection of claims, Applicant reserves the right to change/traverse the election of the invention and claims directed thereto.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, reconsideration of the application and allowance of the claims are respectfully requested. Although the present paper may include a combination of alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding that previously pending claims in this application are not patentable over the cited references. Rather, any alterations and/or characterizations are made to strictly facilitate prosecution of this application. As such, reviewers of this or any parent, child, or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Applicants have submitted amendments and arguments believed to be sufficient to overcome all of the outstanding rejections. Consequently, Applicants have not advanced every argument for the allowability of the claims over the references of record. As such, Applicants do not acquiesce to any of the Examiner's statements or characterizations not specifically traversed. If the Examiner should have any remaining questions or objections, a telephone interview to discuss and resolve these issues is respectfully requested.

Respectfully submitted,
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Attachments